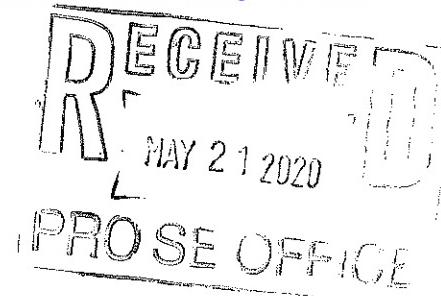


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Jessica Wroblewski
Plaintiff, Pro Se

-against-

New York City, David Hansell, David Usdan,
Little Flower CFS, Sheila Johnson, Barbara
Simon, et al Respondents.



Motion &
Motion of Summary Judgment
No. 18-cv-08208VSB

Hon. Vernon Broderick,

I am the plaintiff in the above-captioned case, and I am corresponding to inform you that I did send Exhibits A-Y which was numerous and is evidence that contradicts and proves the case against the defendant parties and their counsel. I sent an exact copy to this court, French & Casey and Corporation Counsel via Fedex 2 days before my deadline of April 20th 2020. Reference Attached Affidavit of Service. I received your order of service dated 4-30-2020 on 5-11-2020, and in that there was no recognition of the exhibits sent within the same box as my third amended complaint and my motion of opposition. In my amended complaint and my motion of opposition I heavily referenced to refer to those Exhibits as proof to the case against the defendants herein and wherever else. It's not possible for all 3 parcels to weigh the 12 lbs and not be the same items inside in this situation where the contents was not accounted for to the order of service 4-30-2020.

I contacted the Pro Se intake unit who said they was looking in to the matter and to call back the next day. I did call back the next day and a different person stated that because of the paper amount and because of the medical and personal information they would not be put on Pacer.gov but that the exhibits would be delivered to the judge's chamber, which is understandable, but I am sending this correspondence to you to verify that you do indeed have the Exhibits A-Y sent with my Third Amended Complaint and Motion of Opposition April 2020.

On the same day I received an email from Suzanne Tobin from French & Casey with an attached dismissal request from Elizabeth Kimundi acknowledging these exhibits that I sent equally to all parties.

I am not only opposing their voting on my case but I am asking that you deny the opposition parties motion to dismiss on the grounds that my amended complaint was approximately 16 pages total including formalities and not in explanations, that was less than 20 pages as stated. My exhibits was linked to support the contents of my amended and my motion of opposition,

and are a separate matter from the page limit of the amended. Also, since there is no defense against my exhibits I am asking that you grant my reliefs sought in complaint and issue summary judgment, judgment on the pleadings that include all the Exhibits A-Y sent with Amended and motion of opposition.

My motion of opposition and supportive evidence exhibits was separate and proved my case if you look at my exhibits and the perjury of the opposition parties statements to the court you'll find in comparison that the French & Casey representatives are trying to conceal their clients illegal activities including perjury to the court of facts in sworn affidavit that Keisha Malphurs knew to be true but gave false statement about to the court. Keisha Malphurs knew them to be true because the attached email correspondences involving her was within Exhibit B along with copies of all my 2019 cooperation she swore I did not do, and the texts and emails between myself and ACS, Little Flower CFS staff that was in chronological order from the time I got out of prison til present and with the compilation of previous.

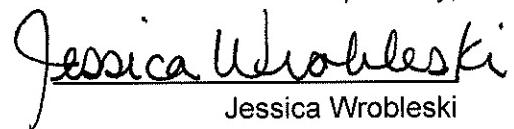
There is no threat to judicial economy to proceed with my legitimate case that opposition parties are hoping to get away with and get away with criminal conduct linked to a dismissal from yourself in my complaint matter. To dismiss my complaint will give the exact same response from the opposition parties every time I raised valid constitutional complaints against their illegal conduct, that if you dismiss this case they will continue against me worse than before and retaliatory as if justifying their behaviors. There will be no multiple rounds because everything I compiled is thoroughly presented against the parties beyond reasonable doubt, that cannot be misconstrued like they so did in the state court case matter against me. Additionally I am all for a motion of judgment on the pleadings, summary judgment as I felt that I presented a thorough amended, opposition motion, and exhibits, that the facts presented within those meticulously compiled exhibits, and the amended and motion of opposition present a clear case with the law in full support of this plaintiff.

Dismissal of this complaint will show a serious depreciation of the seriousness of the matter and the lack of rule of law that gives no due process and allows City defendants to do as they like when and how they wish.

The Covid-19 pandemic should not be a causation to prevent this plaintiff from receiving the justice she seeks and so I am further requesting that after review of the amended, opposition motion, and exhibits from this plaintiff filed per April 20th 2020 filing date that the opposition parties file their replies and that your honor issues his determination based on what's presented to this case matter as in Motion of Summary Judgment or Judgment on the Pleadings as a remedy to the concerns of opposition parties.

Dated: 5-13-2020

Respectfully,



Jessica Wrobleksi

Jessica Wrobleksi

ProSe, Plaintiff

190 Henry Street 1st floor
Binghamton, NY 13901

FRENCH & CASEY, LLP
COUNSELORS AT LAW
29 BROADWAY, 27TH FLOOR
NEW YORK, NEW YORK 10006
Office: (212) 797-3544
Facsimile: (212) 797-3545
www.frenchcasey.com

May 11, 2020

Via ECF

Honorable Vernon S. Broderick
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Court Room 415
New York, New York 10007

Re: Jessica Wroblewski v. Little Flower Children & Family Services, et al.
Index No.: 18-CV-8208 (VSB)
Our File Number: 6225.1598

Honorable Justice Broderick:

We represent defendants Little Flower Children and Family Services (“Little Flower”), Barbara Simon, and Sheila Johnson in the foregoing matter. We write on behalf of Little Flower, Simon, and Johnson, jointly with counsel for defendants The City of New York and David Usdan, in response to the Court’s April 30, 2020 Order of Service. (DKT # 61).

The defendants jointly wish to proceed with briefing the motions to dismiss and seek an extension of time to reply to the plaintiff’s lengthy opposition, and to address novel arguments asserted by the plaintiff for the first time in her purported opposition to defendants’ motions.

It is the defendants’ joint position that proceeding with motions already filed “is a sound approach that promotes judicial economy by obviating the need for multiple rounds of briefing addressing complaints that are legally insufficient.” *Pettaway v. Nat'l Recovery Sols., LLC*, 955 F.3d 299, 303 (2d Cir. 2020).

Plaintiff’s opposition to the motions to dismiss (DKT # 59) exceeds this Court’s permitted page limit and annexes voluminous exhibits labeled A through Y. Accordingly, defendants jointly request an extension of time to file their reply motions and permission to submit reply briefs in excess of the ten (10) page limitation, not to exceed twenty (20) pages.

Judge Broderick
May 11, 2020
Page 2

The extension of defendants' response deadline is premised upon the difficulties imposed by the ongoing health crises and the voluminous opposition filed by the plaintiff. Defendants jointly request permission to file their reply briefs by June 25, 2020.

Respectfully submitted,
FRENCH & CASEY, LLP

/s/ Elizabeth Kimundi

Elizabeth K. Kimundi (EK5555)

EKK:st

cc: Via ECF
New York City Corporation Counsel,
Chlarens Orsland, Esq
Attorneys for Defendants
The City of New York and David Usdan

cc: Via First Class Mail and Electronic Mail
Jessica Wrobleski
Plaintiff, Pro se
190 Henry Street, 1st Floor,
Binghamton, New York 13901
E-mail: wrobleski0138@gmail.com

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JESSICA WROBLESKI, :
: Plaintiff,
: - against -
CITY OF NEW YORK, et al., :
: Defendants.
:-----X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 4/30/2020

18-CV-8208 (VSB)

ORDER OF SERVICE

VERNON S. BRODERICK, United States District Judge:

Plaintiff is proceeding pro se and in forma pauperis. On January 30, 2020, certain Defendants submitted a letter indicating they intended to move to dismiss Plaintiff's Second Amended Complaint. (Doc. 37.) By Order dated January 31, 2020, I set a briefing schedule for the proposed motion and any amended complaint Plaintiff wished to file pursuant to Federal Rule of Civil Procedure 15(a)(1)(B). (Doc. 37.) Defendants' motion was due by March 6, 2020. Plaintiff was to file any third amended complaint by March 27, 2020, or if she chose not to file an amended complaint, she was to serve her opposition to the motion by April 20, 2020. Defendants' reply, if any, would be due by May 11, 2020.

Defendants' filed their motions to dismiss and supporting documents on March 5 and 6, 2020. (Docs. 46–54.) On March 19, 2020, Plaintiff filed request for an extension of time to file her amended complaint. (Doc. 57.) On April 23, 2020, Plaintiff filed the Third Amended Complaint, (Doc. 58), along with a "motion of opposition" to Defendants' motions to dismiss, (Doc. 59.)

Accordingly, it is hereby:

ORDERED that Plaintiff's request for an extension of time to file her Third Amended Complaint is GRANTED nunc pro tunc. The Third Amended Complaint filed as Document 58 is accepted as Plaintiff's operative pleading in this matter, replacing any previously filed complaints.

IT IS FURTHER ORDERED that Defendants shall submit a letter by May 11, 2020, informing me whether they wish to proceed with briefing the motions already filed, or whether the pending motions are moot in light of the Third Amended Complaint. *See Pettaway v. Nat'l Recovery Solutions*, 955 F.3d 299 (2d Cir. 2020) ("[W]hen a plaintiff properly amends her complaint after a defendant has filed a motion to dismiss that is still pending, the district court has the option of either denying the pending motion as moot or evaluation the motion in light of the facts alleged in the amended complaint.")

The Clerk of Court is respectfully directed to mail a copy of this Order to the pro se Plaintiff.

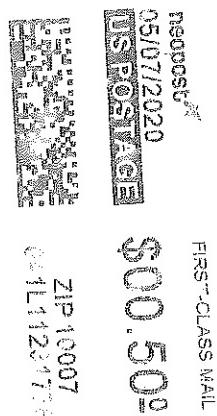
SO ORDERED.

Dated: April 30, 2020
New York, New York



Vernon S. Broderick
United States District Judge

CLERK
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
THE DANIEL PATRICK MOYNIHAN UNITED STATES COURTHOUSE
U.S. COURTHOUSE - 500 PEARL STREET
NEW YORK, NY 10007
OFFICIAL BUSINESS



Jessica Wrableski
190 Henry Street
1st Floor
Binghamton, NY 13901

1380133002 0084

Local Civil Rule 56.2. Notice to Pro Se Litigants Opposing Summary Judgment

Any represented party moving for summary judgment against a party proceeding *pro se* shall serve and file as a separate document, together with the papers in support of the motion, a "Notice To Pro Se Litigant Who Opposes a Motion For Summary Judgment" in the form indicated below. Where the pro se party is not the plaintiff, the movant shall amend the form notice as necessary to reflect that fact.

NOTICE TO PRO SE LITIGANT WHO OPPOSES A MOTION FOR SUMMARY JUDGMENT

The defendant in this case has moved for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. This means that the defendant has asked the court to decide this case without a trial, based on written materials, including affidavits, submitted in support of the motion. THE CLAIMS YOU ASSERT IN YOUR COMPLAINT MAY BE DISMISSED WITHOUT A TRIAL IF YOU DO NOT RESPOND TO THIS MOTION by filing sworn affidavits and other papers as required by Rule 56(e) of the Federal Rules of Civil Procedure and by Local Civil Rule 56.1. An affidavit is a sworn statement of fact based on personal knowledge that would be admissible in evidence at trial. The full text of Rule 56 of the Federal Rules of Civil Procedure and of Local Civil Rule 56.1 is attached.

In short, Rule 56 provides that you may NOT oppose summary judgment simply by relying upon the allegations in your complaint. Rather, you must submit evidence, such as witness statements or documents, countering the facts asserted by the defendant and raising material issues of fact for trial. Any witness statements must be in the form of affidavits. You may submit your own affidavit and/or the affidavits of others. You may submit affidavits that were prepared specifically in response to defendant's motion for summary judgment.

If you do not respond to the motion for summary judgment on time with affidavits or documentary evidence contradicting the material facts asserted by the defendant, the court may accept defendant's factual assertions as true. Judgment may then be entered in defendant's favor without a trial.

If you have any questions, you may direct them to the *Pro Se* Office.



Address: 3951 VESTAL PKWY E
VESTAL
NY 13850
Location: BGMK
Device ID: ~BTC02
Transaction: 940261948895

FedEx Ground
392012298269 12.90 lb (S) 16.25
Declared Value 300

Recipient Address:
FRENCH AND CASEY LLP
ELIZABETH KIMUNDI
29 BROADWAY
New York, NY 10006
0000000000

Scheduled Delivery Date 04/21/2020

Pricing option:
STANDARD RATE

Package Information:
Your Packaging
13 x 9 x 3

FedEx Ground
392012323046 12.05 lb (S) 16.25
Declared Value 300

Recipient Address:
US DISTRICT COURT
SDNY PROSE INTAKE
500 PEARL ST
New York, NY 10007
0000000000

Scheduled Delivery Date 04/21/2020

Pricing option:
STANDARD RATE

Package Information:
Your Packaging
13 x 9 x 11

FedEx Ground

392012344169 12.75 lb (\$) 16.25

~~Declared Value~~ 300

Recipient Address:

CORPORATION COUNSEL
 CHLARENS ORSLAND
 100 CHURCH ST
 New York, NY 10007
 0000000000

Scheduled Delivery Date 04/21/2020

Pricing option:
 STANDARD RATE

Package Information:
 Your Packaging
 13 x 9 x 11

Shipment subtotal:	\$48.75
Total Due:	\$48.75
Cash:	\$49.00
Change Due:	\$0.25

M = Weight entered manually

S = Weight read from scale

T = Taxable item

Terms and Conditions apply. See
fedex.com/us/service-guide for details.

Visit us at: fedex.com
 Or call 1.800.GoFedEx
 1.800.463.3339

Apr 18, 2020 12:41:18 PM

***** WE LISTEN *****

Tell us how we're doing
 & receive a discount on your next order!
fedex.com/welisten or 800-398-0242
 Redemption Code: _____

*** Thank you ***

Case 1:18-cv-08208-VSB

United States District Court
Southern District of New York

Jessica Wrobleksi,

Plaintiff, Pro Se

18-cv-08208-VSB

-against-

Affirmation of Service

Little Flower Children and Family Services,
Sheila Johnson, Barbara Simon, New York City,
A.C.S. Commissioner David Hansell, David Usdan
Respondents.

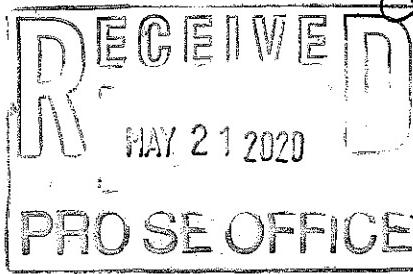
I, Jessica Wrobleksi, declare under penalty of perjury, that on the 18th day of April, 2020, I serviced the following documents:

Third Amended Complaint, Motion of Opposition, Exhibits A to Y, and sent them through FedEx mailing service to the following parties (whom are known to me as the case parties assigned or hired counsel representatives):

U.S. District Court	Corporation Counsel	French & Casey LLP
Southern District of N. Y.	Chlarens Orsland	Elizabeth kimundi
500 Pearl Street	100 Church Street	29 Broadway
New York, N.Y. 10007	New York, N.Y. 10007	New York, N.Y. 10006

Respectfully,

Jessica Wrobleksi
Jessica Wrobleksi, Pro Se



7014 1820 0000 0554 0513



U.S. POSTAGE PA
FOR LETTERS PA
BINGHAMTON, NY
13902
MAY 14 20
AMOUNT
\$4.40
R2305H12240615

U.S. District Court
S.D. N.Y.
pro Se intake
500 Pearl St.
New York, N.Y. 10007